



[3510-16-P]

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO-P-2017-0026]

Extension of the Cancer Immunotherapy Pilot Program

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: On June 29, 2016, the United States Patent and Trademark Office (USPTO) implemented the Cancer Immunotherapy Pilot Program, which permits patent applications pertaining to cancer immunotherapy to be advanced out of turn for examination and reviewed earlier (accorded special status). To date, over 80 petitions requesting participation in the pilot program have been filed, and 9 patents have been granted under the pilot program. Various stakeholders from around the world have filed petitions to participate in the pilot program—they are independent inventors, universities, research institutions, hospitals, medical centers, government agencies, and large and small companies. The pilot program was originally scheduled to end on June 28, 2017. In view of the continued interest in the pilot program, the USPTO is extending the pilot program until December 31, 2018. All pilot parameters will remain the same as the original pilot.

DATES: EFFECTIVE DATE: [Insert date of publication in the FEDERAL REGISTER].

DURATION: The Cancer Immunotherapy Pilot Program will continue to run until December 31, 2018. Therefore, petitions to make special under the Cancer

Immunotherapy Pilot Program must be filed on or before December 31, 2018. The USPTO may further extend the pilot program (with or without modifications) or terminate it depending on feedback received, continued interest and the effectiveness of the pilot program.

FOR FURTHER INFORMATION CONTACT: Pinchus M. Laufer, Patent Attorney (telephone (571) 272–7726; electronic mail at pinchus.laufer@uspto.gov) or Susy Tsang-Foster, Senior Legal Advisor (telephone (571) 272–7711; electronic mail at susy.tsang-foster@uspto.gov), of the Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy.

For questions relating to a specific petition, please contact Gary B. Nickol, Supervisory Patent Examiner (telephone (571) 272–0835; electronic mail at gary.nickol@uspto.gov) or Brandon J. Fetterolf, Supervisory Patent Examiner (telephone (571) 272–2919; electronic mail at brandon.fetterolf@uspto.gov), of Technology Center 1600.

SUPPLEMENTARY INFORMATION: The USPTO published a notice for the implementation of the Cancer Immunotherapy Pilot Program on June 29, 2016. See Cancer Immunotherapy Pilot Program, 81 FR 42328 (June 29, 2016), 1428 Off. Gaz. Pat. Office 253 (July 26, 2016) (Cancer Immunotherapy Notice). The pilot program was designed to support the global fight against cancer. The Cancer Immunotherapy Notice indicated that an applicant may have an application advanced out of turn (accorded special status) for examination without meeting all of the current requirements of the accelerated examination program set forth in item VIII of MPEP section 708.02(a), if the application contained at least one claim to a method of treating cancer using

immunotherapy and met other requirements specified in the Cancer Immunotherapy Notice.

The Cancer Immunotherapy Notice established that the pilot program would run for twelve months from June 29, 2016. The USPTO is hereby extending the pilot program through December 31, 2018 in view of the continued interest in the pilot program. The extension also will allow the USPTO to continue its evaluation of the pilot program. The requirements of the pilot program have not been modified.

Various stakeholders from around the world have filed petitions to participate in the pilot program—they are independent inventors, universities, research institutions, hospitals, medical centers, government agencies, and large and small companies. To date, over 80 petitions requesting participation in the pilot program have been filed, and 9 patents have been granted under the pilot program. The USPTO may again extend the pilot program (with or without modifications) depending on the feedback from the participants, continued interest, and the effectiveness of the pilot program.

Dated: June 19, 2017.

Joseph Matal
Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

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